THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24589 OF 2005

Dt.18.11.2005

Between:

Gram Panchayat Podili,

Prakasam District, rep. by

Panchayat Secretary, A.Srinivasa Rao … Petitioner

And

The District Collector,

Prakasam District and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner is the Gram Panchayat, Podili. It is stated that as per records O.1½ cents of site in S.No.205 of Podili Village belongs to the Gram Panchayat and the said land was leased out in favour of the 3rd respondent in the year 1991. The said Gram Panchayat used to auction the said land for the purpose of vending vegetables in favour of highest bidders. The 3rd respondent was participating in every auction and standing as highest bidder up to the end of 2001. The bid amount was Rs.5100/- per annum. For the year 2002-2003, one Mannam Srinivasulu became the highest bidder by offering Rs.6700/- per annum. The 3rd respondent claimed the said land as assignee and therefore the petitioner made a representation to the 2nd

respondent on 16.4.2003. Thereupon, the 2nd respondent cancelled the alleged patta granted in favour of the 3rd respondent vide order dated 22.10.2003. Aggrieved by the same, the 3rd respondent filed W.P.No.22792 of 2003 and this Court disposed of the said writ petition on 29.10.2003 with direction that the impugned order dated 22.10.2003 shall be treated as a show cause notice to the 3rd respondent and he is permitted to submit his explanation within a period of ten days from the date of receipt of copy of the said order and on filing such an explanation, the 2nd respondent was directed to consider the same after affording reasonable opportunity and till such time the 3rd respondent shall not be dispossessed from the subject property. It is stated that the 3rd respondent filed his explanation on 3.11.2003. But the 2nd respondent has not disposed of the said matter so far pursuant to the order of this Court in W.P.No.22792 of 2003. On the other hand, the 2nd respondent has been making correspondence with the District Collector, Prakasam District. It is stated that the 2nd respondent was requested to obtain documentary evidence from the Sarpanch, Gram Panchayat in support of her claim and also to inform the classification of the disputed land as per the Revenue Records for taking further action.

The learned counsel for the petitioner submits that as per the order of this Court in W.P.No.22792 of 2003 directing to treat the impugned order dated 22.10.2003 issued by the second respondent to the 3rd respondent as a show cause notice and therefore it is for the 2nd respondent to pass final orders and not by the District Collector. When the explanation has been filed by the 3rd respondent before the Mandal Revenue Officer, Podili, it is open for him to pass final orders in accordance with law, but not the Collector.

Having regard to the facts and circumstances of the case, the 2nd respondent is directed to dispose of the proceedings pending in Rc.No.432/2002 pursuant to the directions of this Court in

W.P.No.22792 of 2003 dated 29.10.2003 after giving reasonable opportunity to the petitioner as well as to the 3rd respondent within six weeks from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. No costs.

_____

(V.ESWARAIAH, J.)

18.11.2005

kpr